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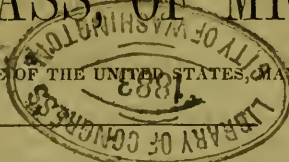
KANSAS—THE TERRITORIES.

SPEECH

OF

HON. LEWIS CASS, OF MICHIGAN,

DELIVERED IN THE SENATE OF THE UNITED STATES, MAY 13, 1856.



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The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 172) to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union, when they have the requisite population.

Mr. CASS proceeded to address the Senate. He said:

Mr. President, yesterday I submitted to the Senate a view and review of the constitutional principles, which regulate the relations between the United States and their Territories, and of the course of legislation with regard to those dependencies, and to-day I propose to submit some remarks upon the state of things in Kansas, and upon the measures, which Congress is called upon to adopt.

Mr. President, I am not going into a detailed examination of the occurrences in that Territory, which render our interposition necessary, especially after the investigation, which they have undergone, and which we have read in reports, and listened to in debates. I shall deal only in general facts, with a view to general conclusions.

In the first place, sir, allow me to observe, that whatever unjustifiable proceedings have taken place in Kansas—and there have been too many of them—they have not shaken, in the slightest degree, my conviction of the right of man to govern himself, nor my confidence in the salutary operation of that true principle of human authority. I have read and heard sneering remarks upon the so-called failure of the experiment of popular sovereignty, preposterously called an experiment, after our experience of generations—remarks made, I have no doubt, by those, who desire a failure. Even were it so, it would not touch the question, unless we are prepared to test the truth of a great principle by its accidental abuse. The political organization of our country is the history, as well as the exemplification of popular sovereignty, for a long series of years. Glorious has been its work, and more glorious will it be hereafter; and yet there is scarcely a State in the Union, in which, at some period of its existence, commotions have not broken out, and the laws been resisted, and sometimes the most alarming consequences threatened. But these have all happily passed away; and, while leaving their memory a warning, leaving it also a proof, that free institutions carry with them the power of self-conservation, and the means of safety. And in all this time, and during many a day of trial and danger, not one human life has been sacrificed to avenge the law, or to restore its supremacy! What other country can say as much since

the first institution of governments, after the dispersion of the descendants of Adam upon the plains of Shinar? I am satisfied, from some examination, that there was a greater waste of human life and treasure in the riots of London, in 1780, than there has been in this country in all the acts of resistance to the public authority, which are found in our history, colonial or independent. Does the experience of the world show that man is fitter to govern others than himself, and that power is safer with the few than with the many? Let history answer this question, and answer also the indignant interrogatory of Mr. Jefferson, "Have we found angels in the form of men to govern us?"

There were peculiar circumstances attending the institution of government in Kansas, to which, and not to the principles that regulated it, are the lamentable proceedings to be traced. Those principles were wise and just, and not a voice has been raised in their condemnation among the people over whom they were to operate. From the 4th of July, 1776, to this day, they have been the American guides of political organization. But at this time they were applied to a country beset with external, rather than internal, difficulties and dangers. These arose out of the question of slavery, which seems destined, by its opponents, to be an eternal subject of agitation—a subject which, though never sleeping, becomes quadrennially more violent, as the presidential term approaches its renewal. This is its recurring season, and time and experience teach us no lesson of wisdom or forbearance. My sentiments on the general subject of this slavery excitement are already before the country; and events as they pass by serve but to strengthen my convictions. I listened with deep interest, the other day, to the masterly effort of the Senator from Alabama, [Mr. CLAY,] who, while doing justice to his constituents, did honor to himself and to the Senate. Though I dissented from some of his remarks and conclusions, yet in the general scope of his observations, there was great force and justice—considerations of the gravest character, appealing to every true-hearted American. While I listened to the complaints he spread before us in behalf of the South against the North, I wished I could deny their justice, but felt that I could not. And as he proceeded with his recapitulation, I felt also that this eternal warfare against one half of the Union had become as disgusting by its repetition, as it was unjust in itself and dangerous in its consequences. I begin to have a little charity for many of those engaged in this crusade, as sympathy with the movement itself. The South

intermeddles not with the social institutions of the North; let the North exhibit the same spirit of toleration, and we shall be the strongest and the most contented, as we are the freest nation, on the face of the globe. We have been told here, time and again, recently and formerly, that there is no design to interfere with slavery in any of the States of the Union. The power is disavowed as well as the purpose. But the disavowal is contradicted by events, that are hourly passing before our eyes. He who believes in a higher law, of whose extent and obligations he is the judge, and which justifies him in disobeying a human law, is prepared to follow the fantasies of the wildest imagination. What is the Constitution to him? who has a constitution of his own, overruling and overriding the laws of his country? Why, sir, in the House of Representatives, during the present session of Congress, a member from New York maintained, that "slavery in the United States is unconstitutional, and therefore unlawful." "The Constitution, both in spirit and express terms, repudiates slavery, and bars its existence."

And, even now, we are just told by a resolution of the "American Anti-Slavery Society," "that the right to enslave a human being on any pretense whatever is not a debatable question, any more than is the right to commit adultery, burglary, highway robbery, or piracy."

And we are told in another resolution, "that they are struggling to drive slavery out of the land." It requires a good deal of moral courage, in the face of such declarations, to contend that no one entertains a design to interfere with slavery in the States. No man of ordinary sagacity can doubt the tendency of the doctrines, which are disseminated in high places and in low places upon this whole subject, and that are addressed to passions more easily excited than allayed. Among other dangerous signs, a spirit of fanaticism is evoked, before which the guarantees of the Constitution may be prostrated, as easily as the marks on the sand are obliterated by the incoming tide of the ocean. It is already doing its work, and this is the most alarming symptom in this terrible national malady. It is fostered and encouraged by men professedly servants of the Most High, and ministering at his altar. It prostrates the judgment and almost paralyzes the conscience, and prepares the excited mind for strange delusions and dangerous deeds. The scene, which lately passed at New Haven, when God's day and God's house were desecrated by appeals to fierce passions to stimulate men to action, instead of being devoted to their true purpose of guiding and restraining them, was a spectacle to be contemplated with regret, with indignation indeed, and alarm. The temple at Jerusalem was defiled by the money-changers, who converted it into a bank of that day, and made it a scene of abominations. Our Savior drove them out, saying, "It is written, my house shall be called the house of prayer, but ye have made it a den of thieves." The house of prayer is now made an armory for the collection of weapons to arm Americans against their countrymen; and clergymen are not indeed money-changers, but gatherers and distributors of carnal, not of Christian weapons, to fight the battles of the flesh, and not the battles of the faith, forgetting that "all they that take the sword shall perish by the sword;" and that they are warned by the Apostle of the Gentiles that "the weapons of their warfare are not carnal," &c.

Mr. President, to preach the Gospel of Jesus is work enough for any human heart and intellect. He who devotes himself to this duty, and then goes after strange gods, entering the field of politics, and mingling in its strife and bitterness, does more injury to the cause of true religion, within the sphere of his labors, than the writings of Voltaire and Hume, and all the other infidel authors who ever sought, by their speers and malign influence, to destroy human confidence in the most precious gift of God to man. And it is a consolatory proof of the reality of revealed religion, that it is equally triumphant over the assaults of its open enemies, and the indiscretion, or something worse, of its professed friends.

I have already remarked, that the intention to interfere with slavery in the States is disavowed, and therefore the more immediate theater of these labors of strife is the Territories, over which there is no constitutional grant of power in relation to this subject; and, if there were, there would be no justice in its exercise, because it is a question which the people are competent to determine for themselves, and which cannot be determined for them by a foreign body, where they have no representation, without violating a great principle of self-government, the very foundation of our institutions, in defense of which our fathers engaged in a contest with the mightiest nation on the face of the globe. I have no patience with Americans, who thus condemn the patriots of the Revolution, casting dirt on their fathers, as the eastern phrase is, and seek to exercise a power over another which they would suffer no man to exercise over themselves. Upon the very first attempt they would indignantly resist at home the interference, they so loudly call for elsewhere. Their consciences, which now dictate violent action, where self is not concerned, would soon learn their true duties when their own rights were in question. And the zeal, violence, indeed, with which this claim to govern others, without their own consent or cooperation, is asserted and prosecuted, in the very face of our whole history, is a moral phenomenon, betokening some strange hallucination.

And it is a part of the prevailing system of aggression to excite and nourish prejudices against the South by making slavery the perpetual theme of denunciation, and too often of misrepresentation, as though, if it were all its enemies say of it, the present generation, of whose social system it makes an essential part, were responsible for its introduction, or could terminate its existence. It came to them by inheritance, not by their own cooperation; and when or how it is to cease is known only to Him, who holds nations, not less than individuals, in the hollow of His hand, for it is beyond the sagacity of man to discover. The emancipation of nearly four millions of human beings, of a different caste and color and condition, living in a state of servitude among a superior race, superior in numbers, in power, in intellect, is a fearful question, which no right-minded man can contemplate without the deepest solicitude. I am not presumptuous enough to say how it could be done. But of this I am certain, that it is a matter which should be left to those whom it vitally interests, and who alone can decide it. If it were in my power to set free, to-morrow, every slave in the United States, I would not do it. I think the act would be followed by fearful convulsions, the apprehension of which should cause the wisest to pause and the firmest to tremble. The result of the experiment which Eng-

land made in the Antilles has not been such as to encourage other countries to follow the example. The standard English historian, Alison, in a new volume of his great work, which has just issued from the press, tells the story in melancholy terms. He says:

"The effect of the emancipation of the negroes has been to ruin our own planters, stop the civilization of our own negroes, and double the slave trade in extent, and quadruple it in its horrors."

He repeats:

"Disastrous as the results of the change have been to British interests, both at home and in the West Indies, they are as nothing to those which have ensued to the negroes themselves."

To emancipate a comparatively small number of slaves in a West Indian island, which may be covered by the troops and surrounded by the fleets of the mother country, is one thing. To do the same deed of liberation in a far-spreading region, measured not by miles, but almost by great circles of the globe, and destitute of a military force to restrain the revengeful promptings or the dangerous suggestions of suddenly-acquired freedom, is another and quite a different thing. Believing that slavery is a misfortune to any country, I hope that it will come to an end in ours, but it must be in God's good time, and in some far-away day, when master and slave are prepared for it.

In the prosecution of this warfare against the character, the tranquillity, and the rights of the South, the press, not less than the pulpit, has been made an active condutor, and the world has been inundated with log-cabin books, and other productions of equal fairness and value, and about as worthy of credit as the travels of the renowned Gulliver, too often drawing their facts from the imagination, and their conclusions from the dictates of a wild or false heart, or of a disordered head. Sir, I am no defender of the South. It needs not my aid. It has powerful advocates here, and elsewhere, able to assert its cause; and the latest among them, who has volunteered in this commendable work—the member from Louisiana, [Mr. BENJAMIN]—in his address to the Senate a few days ago, made an appeal to American justice and patriotism which I have never heard surpassed in vigor of intellect, or in true eloquence. The undivided attention of this high body was a just tribute to the effort of the gifted speaker. As a man loving my country, and jealous of her name and fame among the nations of the earth, I feel indignant at these atrocious calumnies upon a large portion of my countrymen, and I have no disposition to conceal nor to repress that feeling. I know something of the condition of the slaves; and I believe, as I have before said in this place, that they are treated with all the humanity, which can reasonably be expected in their situation—with a humanity honorable to the proprietors, as a class, and, to say the least of it, quite as well as they would be in the northern States, had this kind of servitude survived till this day, and far better than by many, whose philanthropy is shown by the railing and reproachful words they utter, and not by the relief they contribute to human misery.

I know something, also, of the condition of the poverty-stricken population of Europe, of a large portion of the inhabitants, who lie down in sorrow and get up in care, and who pass their lives in want, and many of them in a state of destitution utterly unknown in this country. And I

have seen more misery in the proudest capitals of Europe, than I ever saw in our own favored land, among white or black, bond or free. The condition of slavery has existed since the earliest ages of the world, and, regretted as it is, and must be, by the moralist, it is a great practical question, which every established community must arrange for itself. The Revolution found it in most of the States, and there it was at the adoption of the Constitution, and in many it yet remains, making part of the rights and guarantees of the Confederation. To touch it by the General Government would be to shake to its corner-stone our whole political edifice. And disavowed as that purpose is by many of those who are engaged in this warfare, and who take counsel from discretion, seeing the full time has not yet come, it should be obvious to the most superficial observer, that the inevitable tendency of this state of quasi hostilities is to weaken the fealty and attachment to the Union; to create a morbid excitement, by which the mind and the heart are intently fixed upon one object, the abolition of slavery, to the exclusion of many a true work of charity, and to the extinction of many a kindly and patriotic sentiment, and also to the imminent hazard of following the institution, with hostile views, wherever it exists, as regardless of the rights of others as of the constitutional securities which protect it. It would almost appear as though the whole stock of philanthropy, of talking philanthropy I mean, in portions of the country, were exhausted upon the black man, and that the men of our own race were out of the circle of human sympathy. All this would be but regrettable, were it not rendered serious by its danger. Its effect is but too palpable in the heart-burnings it has created on each side of the line of separation. This condition of the public mind excites my apprehension, and ought to awaken the attention and arouse the exertion of every true patriot before the evil day is upon us, and the deed of disunion shall be done.

When the Kansas act was passed, it was hoped that the great principle of self-government embodied in it would lead to the tranquil adjustment of much of this controversy. It was looked upon as the olive branch, announcing the recession of the waters of bitterness. And such would it have proved had the people of the Territory been left to regulate this subject for themselves. The times, indeed, were not as propitious as they would have been, had a better spirit prevailed at the North. The fugitive slave law had been opposed, and its operation vilified and obstructed. Laws had been passed incompatible with the provisions of the Federal Constitution, and confessedly from hostility to the South; and other acts were done, and sentiments avowed, of the most unfriendly character, which are too fresh in general recollection to require recapitulation. And under these circumstances commenced the settlement and the government of Kansas.

I have said that I had no purpose minutely to recall the untoward events, which accompanied the progress of this movement. I have read with care the narrative compiled by the Senator from Illinois in his report, and, while it is marked with signal ability, it seems to me to be marked also with a commendable regard to the truth. I have rarely read a more powerful State paper, and, in my opinion, it entitles its distinguished author to the thanks of the country.

It is easy to trace the disturbances in Kansas

to their true source—to external interference. That portion of the Union, connected with slavery, and where it is not merely a question of servitude, but also of safety, were in much and just excitement at the unconstitutional assaults upon this element of their social system. And this moment was chosen by the partisans of abolition, in the northern States, to organize emigrating parties, supplying them with assistance described by a learned professor at New Haven “as moral encouragement and material aid in money or arms.” And these new implements, not of agriculture, but of death, were designed for human bodies, instead of a virgin soil; and, as the same literary gentleman said, while defending this *charitable contribution*, they “were to be wielded by strong hands and directed by courageous minds.” And “this material aid” was commended to the precaution of the emigrants, who were advised to hasten on to the promised land, not for their own sakes, looking forward to the reward of industry and enterprise in a new country, but as soldiers, to fight a political battle, with such weapons, whether of law or of iron, as circumstances might render expedient. It is not surprising, that the approach of these new adventurers, avowing designs peculiarly obnoxious to the neighboring State of Missouri, should excite alarm and lead the people to combine in order to resist combinations.

I am accounting for this state of things, not justifying it, and the solution is found in the ordinary principles of human nature. Confederations, to bring about great public purposes by those who seek them, are sure to be met and resisted by antagonistic unions. I think there was no justification for the interference of persons in the northern States, who did not intend to emigrate to Kansas, with a view to control the political course of the emigrants, and to pledge them to a particular line of policy, stimulating their feelings while supplying the means; and it is my deliberate opinion, that those, who planned and promoted this scheme, are morally responsible for many of its deplorable consequences. At the same time, I think, that the emigrant who went to Kansas to become a *bona fide* settler was in the exercise of his constitutional right, when he proclaimed his purpose, by lawful means, to oppose the introduction of slavery, and when he followed that purpose to its consummation at the polls. But I cannot say the same of the irruption of citizens from Missouri, some armed and some unarmed, who entered Kansas, with no design to become residents, but to control the political power of the Territory, with a view to political action. I believe the extent of this unfortunate movement has been overrated; but, after making all reasonable deductions for exaggeration, enough yet remains to excite regret, and to call for condemnation. The sanctity of elections is the very palladium of our liberty. The places where they are held should be holy ground, where neither fraud nor violence should be permitted to enter. And, above all, they should not be entered by armed parties, with a view to subject this living element of freedom to lawless violence, thus bringing dishonor upon our institutions, and weakening respect for the laws, and impairing their obligations. I cannot be restrained by any considerations from this expression of my regret and disapprobation.

Passing now, sir, from these topics, I shall briefly refer to the occurrences in Kansas con-

nected with the organization of its government, in order to ascertain how far the Executive is justly liable to the censures we have heard proclaimed, and what course it becomes Congress to adopt in the present conjuncture of affairs there. The majority and minority reports of the committee afford all the facts necessary to a just appreciation of the circumstances. I shall therefore deal mostly with results.

The organic law made provision for the institution and operation of the Government. The principal agent was the Governor, and under his directions the preparatory measures were all taken, and the elections held. Evil passions were abroad, and in some of the districts irregular and violent proceedings took place, of which the committee reports give us the history. But the necessary returns were made, and both branches of the Legislature were declared constituted, and were recognized by the proper authority. Some of the returns were contested, but the seats of the majority of both bodies, forming a legal quorum for each, were not disputed, so that there was no just pretense for denying the legal organization of the Legislature. There is no need, for any purpose I propose to myself, to pass in review the local controversy concerning the first election, the setting aside of the returns by the Governor, the second election held by his order, of the ultimate decision of the Council and House as to the persons entitled to the contested seats in those respective bodies; because, after the convocation and organization of the Legislature, the qualification of its members was a subject within its own jurisdiction, as an incident of its existence; as much so as the power to preserve order. And that jurisdiction could not be rightfully disputed without the interposition of Congress, however it may have been exerted, unless made a question before a judicial tribunal. This principle is universal; and the proceedings of a Legislature cannot be invalidated by any allegation of erroneous decisions respecting the qualification of its members.

In the progress of this inquiry we are now brought to the accusations against the Executive. What are they, and how are they prosecuted and maintained? But before proceeding to the consideration of this branch of the subject, I must request the attention of the Senate, to an episode in the progress of our investigation, which comes to relieve the monotony of the work. The honorable Senator from New York [Mr. SEWARD] has placed himself prominently among those, who seek to charge the occurrences in Kansas to the President; and he tells us in advance that those who do not adopt the course which he recommends, that is, the immediate admission of Kansas, will reject it in “the hope of carrying African slavery into that new Territory.” His speech was heralded before delivery, and applauded after it; and it is evidently considered by those, who concur in his opinions, as the test and standard of their views and purposes. It has been carefully prepared, and is an elaborate assault upon the President, “an elaborate misconception,” to borrow the language applied to him by the Senator, and an unsparing denunciation of the course of the Administration and of the views of a majority of the Senate, while it is made the vehicle of opinions peculiar to the Senator, some of which are rather shadowed forth than distinctly announced. These considerations, not less than the high character of the speaker, give special im-

portance to his effort; and I propose, therefore, to examine it with some attention, in order to condemn and correct portions of his statements and doctrines, more particularly obnoxious to animadversion.

But while I shall do this plainly, as the importance of the subject demands, I shall do it, I trust, in a proper spirit, and with kind personal feelings towards the Senator. I shall apply to him no allusion nor epithet—for it is not my habit—that ought to offend even fastidious delicacy, except such as is applied in his speech to the President of the United States; and I mean to make my application more just than his. And I shall do this in the hope that this lesson of the return of the chalice—not poisoned, but vituperative—may be profitable. That it is just, no one will question, who considers that these assaults, not of argument but of language—of offensive language, upon the President, are not the result of hasty impulse, yielded to in the heat of debate, but of cool premeditation, prepared in the closet, and recited in the Senate. In thus dealing with hard and bitter words and personal imputations towards the Chief Magistrate of the country in relation to the performance of his official duties, if the Senator forgot the respect due to that high functionary as well as to himself, he should have recollected the respect due to the Senate, and, still more, to the country. There is no excuse for his having spoken of what he calls the President's defenses as "indirect," "irrelevant," "iltempered," "sophistical," and "evasive," of the President's "disingenuousness," "distortion of the Constitution," "false and impertinent issue," "ambitious imbecility," "betrayal of his trust," "obscure and unfair statement," and for having made use of other harsh language, heard then with regret and surprise by almost all, and now recalled by me with pain.

"Believe the prophets of God," said the King of Judah, when all the men of the kingdom, with their wives and their children, had taken refuge in Jerusalem, dismayed at the invasion of the Moabites. "Believe the prophets of God, so shall ye prosper." And the Senator from New York, more emphatic than impassioned, has read this portion of Jewish history, and pressed it into his service. "Senators of the free States," said he, "I appeal to you: believe ye the prophets? I know ye do." And what is the application of this oratorical apostrophe? I grieve at the lamentable descent—at the fall from the dignity of style and subject. "You know, then," he continued, "that slavery neither works mines nor quarries," nor does other deeds of utilitarian value, which he enumerates. To believe the prophets in the days of old was the safety of Israel: to believe the prophets in the days that are upon us is the safety of mines, of quarries—and of abolition. We were warned, in the time of our Savior, that false prophets should come to seduce "even the elect." They are already upon us. May the God of our fathers, and our own God, incline the hearts of the American people to reject their evil counsels, and to hold on to our precious heritage of Union!

I consider the Senator's address upon that occasion one of the most extraordinary displays of legislative oratory it has ever been my fortune, good or bad, to listen to. How he ventured upon some of his statements, upon many of his assertions and conclusions—upon the personal imputations, which abound in his speech, and upon a new edition of the higher-law doctrine, freshly

enunciated, but not amended, I confess my inability to comprehend. Instead of a full commentary upon this effusion, "this studied, partial, and prejudicial history," to borrow again from the senatorial vocabulary prepared for the President, I shall restrict myself to transferring from it to the Senate some of its most salient passages, leaving them, almost without remark, to tell their own story, and the objects of their author, and to carry with them their own refutation.

The speech of the Senator must be yet vivid in the recollection of the Senate. However intended, it came upon us with a kind of theatrical effect. Instead of being a grave and severe discussion, befitting the subject and the place, much of it took on the appearance of scenic representation; and we had an impeachment, in a "comedy of errors," rather than a dispassionate statesmanlike investigation. And in this contribution—whether to justice or party, let the country decide—the honorable Senator performed all the parts necessary to the success of the piece. First, the author; he then assumed the various and incongruous characters of prosecutor, of witness, of defendant, and of judge, with due gravity and dignity "citing the President" to the bar of the Senate, conducting the trial, and pronouncing the condemnation.

If the failure has been a signal one, those who know the Senator will be sure to attribute it to the weakness of the cause, which could not be saved, even by the acknowledged power of the advocate.

After giving his version of the troubles in Kansas, connected with the organization and proceedings of the Legislature, and "an obscure and unfair statement it is"—this is another extract from the speech, and spoken of the President—the Senator enters upon his principal object, the inculcation of the President, without fear and without reserve, as he says, but with the self-confidence of one, who declares he is aware of the gravity of the charges—with the self-confidence, indeed, of the great Roman orator, when he arraigned the proconsular robber of Sicily before the Roman Senate. He prefers what he calls his charges, which are made up of his version of the transactions transferred to the President. Here they are:

Armed bands from Missouri seized the polls, overpowered, or drove away the inhabitants, usurped the elective franchise, deposited false and spurious ballots, procured official certificates by fraud, &c.

The Legislature established a complete and effective foreign tyranny over the people of the Territory.

These high-handed transactions were for the express purpose of establishing African slavery in the Territory by force, &c.

Then come the application and the guilt.

The President has been an accessory to these political transactions, with full complicity in regard to the purpose for which they were committed.

He has adopted the usurpation, and made it his own, and is now maintaining it with the military arm of the Republic.

And thus are the charges against the President prepared, and thus is he shown to be guilty.

A plain tale will put this down.

The President was officially informed that danger of resistance to the law was to be apprehended in Kansas; and in conformity with his duty he directed the military force in that Territory, when called on by the proper territorial authority, to

aid in the maintenance of the laws. This is the head and front of his offense. And all the epithets, profusely employed on this occasion to describe the tyranny on one side, and the abuse and oppression on the other, and to create a corresponding public reprobation and indignation, have reference to this single act—nothing more, nothing less. The matter lies within the narrowest compass, and may be summed up in two propositions:

First, the Legislature of Kansas being organized, clothed with legal forms, recognized by the officer to whom that duty was assigned by law, and in full operation, the President had no more right to interfere with that body, than the Legislature had to interfere with him.

Secondly, it was the legal duty of the President to direct the military force of the United States to aid in enforcing the law in Kansas, when properly informed there was danger of resistance.

So much for the sophism (another extract) of an accusation. And now for the sophism of a defense. The Senator speaks and respeaks of the President's defenses—that is the word—as though a formal indictment had been found against him, and he had as formally defended himself against many charges.

On the 31st December, 1855, the President, in his annual message to Congress, made a brief allusion to the affairs of Kansas, and made some very just and opportune remarks on the political agitation arising out of the assaults upon the southern States; and on the 24th of January succeeding, he communicated in another message a detailed statement of the origin, progress, and condition of the troubles in the Territory.

And these executive documents, laid before Congress and the nation, in obedience to the requisition of the Constitution, the Senator designates as the President's defenses, thus imposing on the unwary the impression of a real trial and defense, instead of a rhetorical exhibition. And with such pertinacious gravity does he follow out his system of tactics, that one of his first complaints against the President is, that he did not wait till his accuser, the youngest-born of the Republic, as he rather facetiously denominates Kansas—a State born before its birth—had appeared at the Capitol to prosecute him, but unfairly made his DEFENSES to Congress before the proper time. That is, when divested of all tropes, the President actually communicated to Congress and to his constituents, the American people, two messages, containing his views of the state of affairs in Kansas, and rendering an account of his stewardship—before the new candidate for admission into the Union had appeared here by her "two chosen Senators, and one Representative"—unheard-of "tyranny," "suppression," "usurpation," "oppression," "subjugation," "submission," "disfranchisement," "mockery," and whatever other obnoxious epithets industry can collect, or ingenuity can apply, to excite opprobrium against the President for the "impertinence" and guilt of communicating messages to Congress.

The "disingenuous views" (another loan) taken by the Senator, of the powers and duties of the President, are among the strangest constitutional heresies, to which this claim to rule Americans without representation, and in contempt of their feelings and rights, has given birth. I comprehend clearly enough his object, which is, to excite political indignation; but I fail entirely to

comprehend how he fixes upon the President, even to his own satisfaction, any neglect of duty, still less any charge of a determination to introduce slavery into Kansas; for that is distinctly asserted, and without the shadow of proof. There is one portion of his speech which is mystical—indeed, almost a myth—where, personating the *speechless* people of the Territory—the word is his—he comes forward in a theatrical manner, stretching forth the wand of *New York*, and, holding in his hand the impeachment of George the Third by the Congress of 1776, impeaches, in the words of the Declaration of Independence, the President of the United States.

He then goes on to apply to the President the complaints made against the King of England, arranging eleven clauses in formal succession, each with its charge of omission or of commission, in the very language of that immortal State paper, substituting Kansas for the colonies, and the Republican Chief Magistrate for the anointed Potentate, beginning:

"He has refused to pass laws for the accommodation of the people," &c.

"He has called together legislative bodies, at a place unusual, uncomfortable," &c., "for the purpose of fatiguing them into compliance with his measures."

"He has prevented legislative houses from being elected," &c., "because they would oppose, with manly firmness, his invasions on the rights of the people."

"He has created a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance," &c.

"He has kept among us in time of peace standing armies," &c., "to compel our submission to a foreign legislature," &c.

And so on to the end of the chapter of colonial grievances against Great Britain.

Really, Mr. President, I can hardly treat this subject with the decorum due to our position and functions. Has the Senator from New York formed so poor an estimate of the intelligence of his associates here, or of his countrymen anywhere, as to suppose that one man can be found, who believes that the President of the United States possesses the same powers in our Territories, as the sovereign of England possesses in her colonies?—for hers they are in the eye of the law. With the exception of the appointment of some five or six officers, and the authority to remove them, the President has as little legal power in the Territories as the Senator from New York, unless, indeed, there is violent opposition to the laws; when, if he is legally informed of the danger, he must use the force the law places at his disposal to preserve and restore public order and tranquillity. And yet an American Senator dares, in his place, to say that "Kansas is to-day in the very act of revolution against the tyranny of the President of the United States;" thus identifying the constitutional action of the Executive with that tyranny which gave birth to the American Revolution. And after this startling proposition, the Senator indulges in some rather incomprehensible reflections on "the profound philosophy of revolutions," the value of which escapes my penetration. And the profundity of this ethical sentiment is illustrated by the discovery, that "the President is assumed, by the people of Kansas, to entertain a resentment, which can never be appeased, and his power must, consequently, be wholly taken away;" that is, the Kansas public, or a portion of them, believe the President is displeased with them, and therefore they must have a revolution—and therefore "they have constituted themselves a State," and come

here asking admission into the Union. And all this is "the profound philosophy of revolution."

The Senator is quite didactic in his speech, and passes happily and readily from one topic to another—from the philosophy of revolution to the philosophy of propagandism; and condemns the President for censuring the "propagandist attempt to colonize the Territory with opponents of slavery." The President censures, and justly, the external interference in the affairs of Kansas, by which efforts were made, in various States, to propagate "their social theories" in that Territory. And this is reproved by the Senator as *launching severe denunciations against what he says the President calls "propagandist attempts."* And then follows a eulogy upon that "great element of colonization, which has peopled the Western continent," as though the adventurers, who fled from civil and religious tyranny, and sought refuge here, came, not to enjoy their opinions, but to disseminate them, and to live the lives of missionaries; and still more, as though the pious men, who devote themselves to spreading the Gospel of Jesus, are but co-laborers with the political partisan, who stays at home and stimulates others to carry agitation abroad, and to propagate secular opinions, dangerous to the peace and tranquillity of another community.

There is a school of social, or rather anti-social, propagandism, composed of zealous and active disciples, followers of Proudhon, who maintain that *property is robbery*. They have faithful co-adjutors in this country, whose Industrial Congress, as it was called, in laying down their creed, resolved, among other things, "That, by the land reform, we understand the entire abolition and annulment of all property value or ownership in the soil," &c.

I do not accuse the Senator of participating in these sentiments. He has powerful motives, from his success in life, for abjuring them; but I recollect that, in a speech he made not long since, in the city of New York, when he commenced by *HAILING* the city, as he commenced here by *SALUTING* the Senate—a fashion of salutatory introduction, pre-luding one's self or one's topic, more honored by the breach than by the observance—he supported views which, it appears to me, originate in the same kind of obliquity of moral vision, or in something not as pardonable. He announced that there was an aristocracy in this country; that aristocracies are created by privileged classes; that slaveholders constitute one of these classes. And why this attempt to excite popular indignation against a portion of our fellow-citizens by conferring upon them an obnoxious designation? The slaveholder owns slaves because the law permits it. Conscience and sound policy, said the Senator, prohibit it. The landholder owns land, as he is allowed to do by law. Proudhon and his school say that conscience and sound policy prohibit it, for it is robbery.

Here is the same principle, differing only in its specific application. All, who come within it, are equally aristocrats. A privileged class is created by the Senator from New York, and is made a kind of raw-head and bloody-bones, because it holds one species of property. But there are neither peculiar privileges nor exclusive rights attached to its tenure; for every man in a slave State may, by law, without distinction, possess it. And why does not the denunciation equally apply to the holders of every species of property—to

the holders of real estate, of money, of stock, of manufacturing establishments, which concentrate and control labor, and to every other article which constitutes the wealth of society, and the object and the reward of laudable industry and enterprise? It is easy to raise prejudices upon this subject. It is easy to conceive their operation upon the human mind, and how the man who has a coat, is considered an aristocrat by him who has none. It is an old story in human experience, as the Senator knows, for he has studied the history of Rome, and referred us to the conduct of her Tribunes. The office does not exist in this country; but one of the abuses, which made it memorable—that of pandering to popular prejudices—is among us carefully cherished and often faithfully practiced.

Now, sir, according to the Senator, he who goes abroad to teach "his social and political theories," is a missionary of propagandism, and his character is not changed by the nature of his doctrine; and he who censures his ill-timed zeal or wicked purpose, casts reproach *where never prince, king, emperor, or president, cast reproach before*. The dissemination of the Gospel of Jesus Christ is brought down to the level of these political agitators. "The only common element of all these forms was propagandism." He exemplifies these forms by the various settlements in this country, attributing some to a zeal for religion, others to a zeal for slavery, and others to a zeal for free labor. The injunction of the risen Savior, "Go ye forth, therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost," is degraded by such an association. And I can discover no other motive for this desecration, but a desire to represent the President as condemning a great principle of human action. The Senator's test of the right to teach and preach anything is shown by the inquiry, "Does any law of nature or nations forbid?" The great law in the everlasting code of the Gospel, of doing as you would be done by, forbids every American from such propagandist interference with the internal affairs of another State or Territory, as will tend to raise agitation, or to endanger the public peace and tranquillity. Leave to others the liberty you claim for yourself—the liberty to conduct their own affairs in their own way—and there will be no need of the perversion of the true principles of propagandism to justify unjustifiable acts.

In the pleasant town where the Senator resides, is a dishonorable home provided by retributive justice for unfortunate outcasts, whose crimes, if not expiated, are justly punished there. I doubt not but that many a man has gone there, and will yet be followed by many another, victims of false and dangerous theories, who have been taught that there are aristocrats in the land—privileged classes; that property is robbery, and that what God made for all the few have no right to appropriate to themselves; and that he who wants may justly take his share, wherever he finds it, of which another has unjustly deprived him. The Senator from New York has not yet reached the full measure of this faith, though his denunciations against one kind of property necessarily lead to the whole doctrine. A little spark kindleth a great fire. It is dangerous to tamper with human passions. Better is it to instruct, than to stimulate them. And the Senator, by devoting his acknowledged talents to this work, and withdrawing from his present field of excitement, will

acquire more permanent fame than ever followed political agitation. * * * * *

I shall vote to refuse admission to Kansas; and at the same time I hope that neither African slavery, nor any other kind of slavery, will be established there; and I believe, if the Senator and his political friends will cease their agitation, that Kansas will eventually be a free State. At the same time, whether slavery is to be established there or not, my course will be the same. I shall maintain the principle, which leaves that question to the people, and I shall rest satisfied with their decision, trusting that the question may be determined by them, uninfluenced by any external interference, whether from Missouri or Massachusetts.

But, sir, I have not time to follow the Senator in his "extraordinary inconsistency"—another phrase coined by him for the President. I must hasten on, and leave that task to those who consider it a useful one. The Kansas Legislature, under its panoply of legal form, was as independent of the Executive as the Executive was of that body. The only case, which admitted legal interference, was the case that occurred, when, there being danger of opposition to the law, and that danger having been duly made known, the President promptly took legal measures for the preservation of the public peace. For that act of wise precaution he is entitled to the commendation of the country. It has, probably, prevented a civil war among the people themselves, and, perhaps, an insurrection against the United States. After the organization of the Kansas Legislature, there were two modes of proceeding open to all those who considered themselves aggrieved. One was to resort to the judicial tribunals; and the other to appeal to Congress. Neither measure was adopted. In the mean time the Legislature went on with its work of law-making; and its labors have been exposed to severe criticism, as well as to grave censure—whether justly or not does not affect the inquiry we are engaged in, which turns upon the legal powers of the Legislature, and not upon the wisdom or the folly of their exercise. * * * * *

Disregarding the two legal remedies within their power, the citizens of Kansas, opposed to the action of the Legislature, resorted to a revolution. This is what the Senator from New York calls the movement, while he approves it; and this is what it would have been, if carried into operation. A convention was elected, and quickly convened, and it as quickly formed a constitution, making provision for its operation, without the sanction of Congress, as soon as approved by a popular vote. This vote it received; and if wiser counsels finally prevailed, and the constitution was not forcibly carried into operation during the existence of the government instituted by Congress, and a collision thus avoided, the result formed no part of the original plan. That constitution is now before us.

And why this precipitate act of revolution, which, if consummated, would have brought those participating in it into direct collision with the Government of the United States? Why not ask Congress for a redress of grievances, arising out of a law enacted by itself? No man can doubt the power of Congress to watch the operation of its own laws, and to provide all necessary remedies for their maladministration. Nor ought any man to doubt, that if this whole matter had been

properly presented by the commencement of the commencement of have been an impartial by such measures, as Instead of that course our sanction to these by confirming them, and thus principle incompatible with future tranquility Territories, and holding out encouragement for future resistance.

Now, sir, this application will not receive my vote. I will agree to set no such example. The immediate effect would be to render operative a constitution for Kansas, the work of but one portion of a people, divided by internal dissensions, being a portion arraying itself against the law, instead of appealing for redress to this high tribunal of the nation, competent to administer it. The course proposed by the Committee on the Territories is free from objection, and I shall vote for it. It is to submit to the whole people, and by legal authorization, the question of the institution of their own government, and not subject one portion to the work of another, thus perpetuating divisions, which it is the interest of the country to terminate as soon as possible. Warned by the past, I think we should provide for the future by adequate penalties in the organic laws against all unlawful external interference in the affairs of the Territories, and especially against the entrance of armed persons or parties to control or overawe the elections; and I submit for consideration, whether some provision of that nature is not now required at our hands; whether it would not be a just measure in itself, and a proper tribute to the purity of elections, a great conservative principle, dear to every right-minded American. Let us have no more armed invasion from without, nor insurrection within.

Mr. President, many and signal have been the interpositions of Providence in our favor, since the commencement of our national existence. We have been carried forward in a career of prosperity, unexampled in the history of the world. Difficulties and dangers have beset us, upon the right hand and upon the left; but we have safely passed through them, gathering strength in our progress, till we have nothing to fear but ourselves and the just judgments of God. A question is around us, among us, exciting angry passions, and arraying one portion of the country against another—a sectional question, the most difficult and delicate with which we have to deal. And a way has been found to deal with it which requires no sacrifice of principle, of pride, or of opinion, by one part of the Confederation to the other; but their mutual submission of the controversy to the operation of the great doctrine of the right of man to govern himself, the only solid basis of republican governments. And the dispensations of Providence towards us have never been marked with more kindness, than in inclining the hearts of the American people to seek refuge from impending danger in this, the only means of averting it. There is no other ground on which we can stand together. The wisdom of man can discover no other. But this is holy ground, sanctified by a living principle, and rising above a world of waters, which has been spreading out over the land. I trust it will yet stay the flood, and rescue us from the only peril, which the patriot contemplates with doubt and apprehension.

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